THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.31989 of 1997
Date: 28-02-2007

Between:
R.Ramakrishna Reddy

Petitioner

And

The District Collector, Chittoor and five others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.31989 of 1997

ORDER:

1. The writ petitioner, an old man residing at Tirumalanayanakuppam village of Kadapanatham Post, Baireddipalle Mandal of Chittoor District, had instituted this writ petition seeking a declaration that the action of the respondents in laying a cement road through his land without, in any manner acquiring the same as illegal, improper and unjust.

2. When I have heard this case on the previous occasion, I suggested to the learned Government Pleader for Panchayat Raj to ensure that a local inspection of the village is undertaken by the Mandal Revenue Officer along with the Survey staff and find out as to whether the assertion of the writ petitioner that the proposed cement road is passing through his land is correct or not. Accordingly, the Mandal Revenue Officer and the Survey staff seem to have conducted a detailed enquiry in to the matter on 19-02-2007 and it had revealed that land of the petitioner to an extent of 14.5 metres x 2.5 metres is being effected by the proposed formation of the road. The report has also pointed out that several village elders and the Sarpanch of the Grampanchayat were also present at the time of the enquiry and that there was land available in Survey No.156 of an extent of 15.7 cents belonging to the Government which in fact adjoins the land belonging to the writ petitioner. Therefore, it has been proposed by the village elders and the Sarpanch of the Gramapanchayat that leaving out the land of the petitioner, the road be laid through the land in Survey No.156 belonging to the

Government, if necessary by taking an appropriate diversion, in such a manner that the land of the writ petitioner will not get effected. The writ petitioner himself was present in the court today. I have also heard Ms. K.Sampurna, the learned counsel representing the writ petitioner.

3. The learned Government Pleader for Panchayat Raj makes a statement that the Government will leave out the land of the writ petitioner uneffected as it has not been proposed for acquisition at all and that the writ petitioner should not raise objection in any manner for formation of a road through the adjoining Government land situated in Survey No.156 since the formation of the road will be in the larger interest of the public. I consider that the suggestion made by the learned Government Pleader for Panchayat Raj is fair, proper, and deserves to be accepted. In fact, the writ petitioner who was present in the court made a statement that he will not raise any objection for formation of the road through Survey No.156, which land belongs to the Government and if the land belonging to the writ petitioner is left out.

4. In view of the statement made by the learned Government Pleader that the land belonging to the writ petitioner will not be utilized for formation of the road in question, the cause in the writ petition does not survive for further adjudication. Duly recording the statement of the writ petitioner as well as the statement made on behalf of the respondents that the land belonging to the writ petitioner will not be put to use for formation of road, the above writ petition stands disposed of, but however, without costs.

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NOOTY RAMAMOHANA RAO,J

28-02-2007
Stp